

PROFESSIONAL LICENSURE DIVISION[645]

Adopted and Filed

Pursuant to the authority of Iowa Code section 147.76, the Board of Mortuary Science hereby rescinds Chapter 99, “Administrative and Regulatory Authority for the Board of Mortuary Science,” amends Chapter 100, “Practice of Funeral Directors, Funeral Establishments, and Cremation Establishments,” Chapter 101, “Licensure of Funeral Directors, Funeral Establishments, and Cremation Establishments,” Chapter 102, “Continuing Education for Funeral Directors,” and Chapter 103, “Disciplinary Proceedings,” and rescinds Chapter 105, “Fees,” Iowa Administrative Code.

These amendments rescind duplicative language found in 645—Chapters 4 and 5; amend the definition of “authorized person” to be consistent with 2008 Iowa Acts, Senate File 473; specify criteria for exception authorized by Iowa Code section 156.4(1) by making an allowance for an Iowa-licensed funeral director to provide funeral services from an establishment licensed in another jurisdiction; clarify that every funeral and cremation establishment must hold a license issued by the Board; and update the discipline chapter to be consistent with legislative changes in 2008 Iowa Acts, House File 2212, and Iowa Code Supplement section 156.9.

Notice of Intended Action was published in the Iowa Administrative Bulletin on July 30, 2008, as **ARC 6997B**. A public hearing was held on August 19, 2008, from 9 to 9:30 a.m. in the Fifth Floor Board Conference Room, Lucas State Office Building. The Board received one comment on subrule 103.4(6) referencing the Smokefree Air Act. The concern regarded the liability of a funeral establishment if an individual visiting the funeral establishment violates the Act even though the funeral establishment displayed all the required signage. The Board discussed the issue at the September 11 board meeting, but made no changes to noticed subrule 103.4(6) because the subrule reflects the Smokefree Air Act (2008 Iowa Acts, House File 2212) that was passed during the 2008 General Assembly.

No changes have been made to the amendments published under Notice of Intended Action.

These amendments were adopted by the Board of Mortuary Science on September 11, 2008.

These amendments will become effective on November 12, 2008.

These amendments are intended to implement Iowa Code chapters 21, 147, 156 and 272C, and 2008 Iowa Acts, Senate File 473 and House File 2212.

EDITOR’S NOTE: Pursuant to recommendation of the Administrative Rules Review Committee published in the Iowa Administrative Bulletin, September 10, 1986, the text of these amendments [rescind Chs 99, 105; amend Chs 100 to 103] is being omitted. These amendments are identical to those published under Notice as **ARC 6997B**, IAB 7/30/08.

[Filed 9/12/08, effective 11/12/08]

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[For replacement pages for IAC, see IAC Supplement 10/8/08.]